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6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**  
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9 Juan Salazar,

10 Plaintiff,

11 v.

12 Thunderbird Restaurants LLC, et al.,

13 Defendants.  
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No. CV-24-00668-PHX-KML

**ORDER**

15 The parties filed a joint notice of discovery dispute. (Doc. 53.) Defendants' portion  
16 of that filing indicates they are confused regarding the proper scope of discovery in this  
17 case, possibly because they are unfamiliar with how claims under the Fair Labor Standards  
18 Act ("FLSA") are litigated. Defendants must provide complete discovery responses.

19 Plaintiff Juan Salazar worked at T-Bird Tavern and filed this suit alleging he was  
20 not paid for all the hours he worked. Salazar propounded wide-ranging discovery requests  
21 to establish the FLSA applies and to establish his job responsibilities, hours worked, and  
22 the financial relationships between defendants. Defendants argue Salazar "is utilizing the  
23 discovery process to search for a claim and shift both the burdens of proof and production  
24 to Defendants." (Doc. 53 at 5.) Defendants then cite three cases allegedly establishing that  
25 it is improper to use discovery to "locate claims." (Doc. 53 at 5.) All three of those cases  
26 were at the pleading stage. This case is not. Salazar stated claims and he is entitled to pursue  
27 discovery to support those claims. Defendants' argument regarding fishing expeditions is  
28 wrong.

1 To prevail in a FLSA case, a plaintiff must obtain information regarding gross sales,  
2 the employer's recordkeeping, and which entities or individuals qualify as the "employer."  
3 That is, to determine whether the FLSA applies, Salazar is entitled to seek discovery  
4 regarding defendants' annual gross sales and/or revenue. Similarly, to determine whether  
5 defendants' alleged failure to pay proper wages was willful, Salazar is entitled to seek  
6 discovery regarding defendants' policies and procedures. He is also entitled to know who  
7 was responsible for recordkeeping. And to determine whether some sort of FLSA  
8 exemption might apply, Salazar is entitled to know defendants' view of his job tasks and  
9 responsibilities.

10 Salazar also is entitled to the production of all communications between him and  
11 defendants, or between defendants regarding Salazar's work, because they may show the  
12 number of hours he worked or defendants' knowledge of his working hours. It should be  
13 obvious that Salazar would not have copies of all such communications, such as any emails  
14 on an internal system (assuming such a system exists). Finally, defendants argue that  
15 Thunderbird "a separate legal entity" is the only possibly responsible party. The FLSA  
16 imposes liability on all "employers" as that term is legally defined. Entities and individuals  
17 beyond Thunderbird might qualify as "employers" and Salazar is entitled to determine the  
18 financial relationship between defendants.

19 Accordingly,

20 **IT IS ORDERED** defendants must provide complete responses to all of the  
21 discovery requests listed in Doc. 53 within thirty days of this order.

22 Dated this 8th day of April, 2025.

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**Honorable Krissa M. Lanham**  
26 **United States District Judge**  
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